UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/975,248	10/11/2001	Chakkalamattam Jos Paul	AUS920010248US1	9548

35525	7590	12/01/2004		EXAMINER

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ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)
Office Action Summary		09/975,248	PAUL ET AL.
		Examiner	Art Unit	
		Paul B Yanchus	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _4/10/02_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-27_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-27_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _10/11/01_.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

U.S. Patent and Trademark Office

PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 11222004

DETAILED ACTION

Claim Objections

Claim 8 is objected to because of the following informalities: There appears to be a

typographical in line 2 of claim 8. It appears that the word "used" should be replaced with

"user." Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 recites the limitation "the user interface" in lines 9 and 10. There is insufficient

antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Woodruff, US

Patent no. 6,438,711.

Regarding claim 1, Woodruff discloses a computing system aiding in the operation

diagnostic and maintenance functions of a remote computing devices, the remote computing

devices coupled to a network and running under a first boot image, the diagnostic system

comprising:

a process initiator that allows for the selection of a particular remote computing device

[column 2, lines 63-67];

a download director [system status provider], communicatively coupled to a user

interface, that controls a download of a Maintenance boot image to the particular remote

computing device via the network [column 3, lines 1-14 and column 6, lines 8-21];

a first reboot director [session manager] that initiates a first reboot process [download and

execution of diagnostics code] of the particular remote computing device with the maintenance

boot image [column 2, line 65 – column 3, line 14];

a second reboot director [session manager] that initiates a second reboot process [booting

of operating system] of the particular remote computing device upon the occurrence of a

predetermined event associated with the maintenance boot image prior to the second reboot

process and operating with the first boot image subsequent to the second reboot process

[operating system is booted when no remote diagnostics are requested, column 6, lines 38-43];

and

the particular remote computing device performing diagnostic or maintenance functions

under the maintenance boot image [column 6, lines 44-46].

Regarding claims 2, 3 and 4, Woodruff discloses that the system status provider provides system information to remote management console to determine which diagnostics software should be downloaded [column 6, lines 8-21].

Regarding claim 5, Woodruff discloses that the diagnostics may be downloaded from another source on the network [column 6, lines 51-56].

Regarding claims 6 and 7, Woodruff discloses that the session manager determines whether diagnostics are requested from a remote management computer [column 5, lines 43-55].

Regarding claims 8 and 9, Woodruff discloses that a remote management console selects a particular computer system to reset for diagnostic purposes when components of the particular computer system fail [column 2, lines 40-46 and column 2, line 62 – column 3, line 14].

Regarding claim 10, Woodruff discloses a method for diagnosing and maintaining remote computing devices the remote computing device coupled to a network and running under a first boot image, the method comprising:

selecting a particular remote computing device [column 2, lines 63-67];

downloading a maintenance boot image to the particular remote computing device via the network [column 3, lines 1-14 and column 6, lines 8-21];

initiating a first reboot process of the particular remote computing device with the maintenance boot image [column 2, line 65 – column 3, line 14];

performing a diagnostic or maintenance function by running the particular remote computing device under the maintenance boot image [column 2, line 65 – column 3, line 14]; and

initiating a second reboot process of the particular remote computing device upon the

occurrence of a predetermined event associated with the maintenance boot image [operating

system is booted when no remote diagnostics are requested, column 6, lines 38-43].

Regarding claims 11, 12 and 13, Woodruff determining an appropriate diagnostics

routine to download and execute based on system information [column 6, lines 8-21].

Regarding claim 14, Woodruff discloses that the diagnostics may be downloaded from

another source on the network [column 6, lines 51-56].

Regarding claims 15 and 16, Woodruff discloses that a session manager determines

whether diagnostics are requested from a remote management computer [column 5, lines 43-55].

Regarding claims 17 and 18, Woodruff discloses that a remote management console

selects a particular computer system to reset for diagnostic purposes when components of the

particular computer system fail [column 2, lines 40-46 and column 2, line 62 – column 3, line

14].

Regarding claim 19, Woodruff discloses a computer program product in a computer

usable medium for diagnosing and maintaining remote computing devices, the remote computing

device coupled to a network and running under a first boot image, the method comprising:

instructions for selecting a particular remote computing device [column 2, lines 63-67];

instructions for downloading a maintenance boot the particular remote computing device

via the image to network [column 3, lines 1-14 and column 6, lines 8-21];

instructions for initiating a first reboot process of the particular remote computing device

with the maintenance boot image [column 2, line 65 – column 3, line 14];

instructions for performing a diagnostic or maintenance function by running the particular remote computing device under the maintenance boot image [column 2, line 65 – column 3, line 14]; and

instructions for initiating a second reboot process of the particular remote computing device upon the occurrence of a predetermined event associated with the maintenance boot image [operating system is booted when no remote diagnostics are requested, column 6, lines 38-43].

Regarding claims 20, 21 and 22, Woodruff determining an appropriate diagnostics routine to download and execute based on system information [column 6, lines 8-21].

Regarding claim 23, Woodruff discloses that the diagnostics may be downloaded from another source on the network [column 6, lines 51-56].

Regarding claims 24 and 25, Woodruff discloses that a session manager determines whether diagnostics are requested from a remote management computer [column 5, lines 43-55].

Regarding claims 26 and 27, Woodruff discloses that a remote management console selects a particular computer system to reset for diagnostic purposes when components of the particular computer system fail [column 2, lines 40-46 and column 2, line 62 – column 3, line 14].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

McCrory et al., US Patent no. 6,697,962, discloses a remote monitoring system for

providing diagnostic functions to a computer system.

. David et al., US Patent no. 5,948,101, discloses a storing multiple boot images on a

network boot image server.

Chang, US Patent no. 5,680,547, discloses a method and system for preboot file transfer

between computers in a network.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Paul B Yanchus whose telephone number is (571) 272-3678. The

examiner can normally be reached on Mon-Thurs 8:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lynne H Browne can be reached on (571) 272-3670. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Paul Yanchus
November 22, 2004

JOHN R. COTTINGHAM
PRIMARY EXAMINER